

REMARKS

Rejection Under 35 USC 103(a)

Claims 1-16 and 19-34 have been rejected under 35 USC 103(a) as being unpatentable over U.S. Patent Application No. 2004/0204740 to Weiser ("Weiser") in view of US Patent No. 2,798,492 to Barnes et al. ("Barnes et al.") (Because Claims 2-16 and 20-34 are dependent upon and include all limitations of Independent Claims 1 and 19, respectively, this response will address the rejection as it pertains to Independent Claims 1 and 19.) More specifically, language on page 3 of the instant Office action states that Weiser teaches every element of independent claims 1 and 19 except for narrowed bridging portions:

Weiser is silent with regards to the average width of the bridging portions being less than that of the attached portions. Instead, Weiser discloses bridging portions having the same width as the attached portions.

The Office Action proceeds with a statement that Barnes et al. cures this deficiency:

However, providing a wound closure device with bridging portions having an average width less than an attached portion is well known in the art, as shown in Fig. 2 and 5 of Barnes. Thus, Barnes discloses a bridging/attached portion arrangement that is an equivalent structure known in the art.

For the following reasons, Applicant respectfully disagrees that the proposed combination of references teaches or suggests the present invention:

First, Applicant agrees that Weiser fails to disclose or suggest bridging portions being less than the average width of the attached portions such that the one or more first and second connecting members are sufficiently spaced-apart to facilitate fine adjustment of the first component relative to the second component for substantially parallel alignment of the edge of the first component with the edge of the second component during closure of the wound or incision. Neither the specification nor the claims of Weiser teach this limitation. The Figures of Weiser teach away from this limitation by displaying bridging portions having widths equal to that of the attached portions.

The Specification further explains at paragraph [0017] that the difference in width of the bridging portion of the present invention relative to the width of the attached portion affords advantages over prior art devices in which the width of connecting members was substantially

constant along their lengths. The device of Weiser presents connecting members having constant widths along their lengths. As described in Specification paragraph [0014], achieving a more secure attachment in the single-width connector device of Weiser would require an increased number of connecting members that would be placed as close together as possible, thereby severely limiting adjustability. Weiser fails to teach or suggest any method for simultaneously providing a secure attachment and enabling fine adjustability.

Barnes et al. fails to cure the deficiencies of Weiser. The two –component device of Applicant's invention comprises a first and a second component which are separate and distinct from one another. Each component is applied individually to either side of the wound or incision requiring closure. By contrast, Barnes et al. teaches a single, unitary device unlike Applicant's two component device.

Applicant's interlaced two-component device offers numerous advantages over the non-component device of Barnes et al. Support for the "interlaced" limitation exists through out the Figures and at least at paragraph [0021] of the specification, reproduced here in pertinent part for convenience:

[0021]...For embodiments in which each component includes two or more connecting members, and the connecting members are attached to pulling elements, the issue of interlacing the connecting members of the two components presents itself. This issue was discussed in US Patent No. 6,329,564, the disclosure of which is incorporated herein by reference. Briefly, in order to assemble an interlaced device it may be necessary to construct the first component and the second component independently, and subsequently cut one of the two components in order to interleave connecting members.

The use of two independently-positioned, interlaced components enables a user to precisely align distinct edges of the anchor members on either side of the wound or incision to be closed. Unlike the non-component device of Barnes et al., Applicant's two-component device provides clear visibility of the wound, and access to the wound during the closure process.

The Barnes et al. device does not have defined wound edges or even independent ends to apply. The Barnes et al. device comprises one integral unit having no distinct components and no interlaced connecting members spanning therebetween for straightening a wound edge during closure. Wounds typically take an almond shape (surface view), which shape requires a closure device to somehow move the center portion of the wound more than the ends. Barnes et al. fails to address this closure requirement. Unlike Applicant's device, the device of Barnes

et al. cannot close different gap widths along the same wound. The device of Barnes et al. therefore limits any flexibility for closing the wound edges to varying degrees as would be required by a varying wound gap. The Barnes et al. device, at best, allows only for a straight pull/tension closure in a single location along the length of a wound. It cannot provide any lateral adjustment/adjustment parallel to the wound. One skilled in the art of two component wound closure devices therefore would not look to a unitary device of Barnes et al. to cure the deficiencies of Weiser.

Applicant submits that the proposed combination of references fails to disclose or suggest the combination of features recited in independent claim 1 and Independent claim 19. Because claims 2-16 and 20-34 depend respectively from the independent claims 1 and Claim 19, Applicant further submits that the proposed combination of references fails to disclose or suggest the combination of features recited in those dependent claims. Accordingly, Applicant respectfully requests withdrawal of the above-noted rejection under 35 USC 103(a).

Dependent claims 17 and 35 are rejected under 35 USC 103(a) as being unpatentable over Weiser in view of Barnes et al. and further in view of US Patent No. 5,263,970 to Preller ("Preller"). Dependent claims 18 and 36 are rejected under 35 USC 103(a) as being unpatentable over Weiser in view of Barnes et al. and further in view of US Patent No. 5,979,450 to Baker ("Baker"). Applicant respectfully requests withdrawal of the present rejections. As discussed above, claims 17 and 18 and claims 35 and 36 respectively depend from Independent Claims 1 and 19, which Applicant respectful submits are in condition for allowance. Because claims 17, 18, 35 and 36 depend from independent claims that are in condition for allowance, those dependent claims, which include all limitations of allowable independent claims, are also in condition for allowance.

Summary

In light of the above amendment, consideration of the subject patent application is respectfully requested. Any deficiency or overpayment should be charged or credited to Deposit Account No. 50-4514.

Respectfully submitted,

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